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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,231	11/14/2003	David M. Callaghan	03AB157/ALBRP335US	2471

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EXAMINER

JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
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2143

MAIL DATE	DELIVERY MODE
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09/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/714,231

Applicant(s)

CALLAGHAN, DAVID M.

Examiner

Jude J. Jean-Gilles

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to the Reply filed on 06/22/2007.

Response to Amendment/Arguments

1. Claims 1-27 remain pending in the application. Independent claims 1, 10, 17, and 22 have been amended. Claims 1-27 represent a method and apparatus for an "DYNAMIC BROWSER-BASED INDUSTRIAL AUTOMATION INTERFACE SYSTEM AND METHOD."

Applicant's arguments with respect to claims 1, 10, 17, and 22 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new ground of rejection as explained here below, necessitated by applicants' arguments presented in the Reply dated 06/22/2007. Applicants have made no substantial amendments to the claims as to perhaps place them in condition for allowance.

The dependent claims stand rejected as articulated in the Previous Office Action.

In response to Applicant's arguments, 37 CFR § 1.11(c) requires applicant to "clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must show the amendments avoid such references or objections."

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-4, 10-16, and 22-27** are rejected under 35 U.S.C. 102(e) as being anticipated by Maes, U.S. Pub. No. 20020184373.

Regarding **claims 1-4, 10-16, and 22-27**, Maes discloses:

1. A system for interacting with automation devices, comprising:

a plurality of automation devices *connected* to a network, the automation devices supply automation data to the network (*par. 0014*); and

an interface connected to the network including an interactive program and an execution engine for executing the program, wherein the interactive program and the execution engine are executed from within a browser and interact with the automation device data (*par. 0153, 0164, and 0174; see fig. 14a, engine 1420, and browser application 1421*).

2. The system of claim 1, further comprising a data storage medium for centrally storing data relating to the plurality of automation devices (*par. 0106, and 0164; fig. 16, engine server 1602*).

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3. The system of claim 2, wherein the browser retrieves data utilizing the interactive program from the data storage medium (*par. 0164, note server 1602 using speech engine programs to process stored data interactively with the clients*).

4. The system of claim 2, wherein the browser writes data utilizing the interactive program to the data storage medium (*par. 0106, par. 0164*).

10. An human machine interface apparatus for operating in an industrial facility comprising:

a data store (*fig. 17, item 1701 is the client and 1707, the storage database located in the client interface*);

one or more automation devices communicatively coupled to the data store via a network, wherein the automation devices store data in the data store (*par. 0172; fig. 17, and 18*); and

a browser accesses data concerning the one or more automation devices over the network and presenting the data to a user in a rich manner incorporating a plurality of multimedia effects (*par. 0153, 0164, and 0174*).

11. The apparatus of claim 10, the multimedia effects being incorporated in the browser via an embedded interactive program (*fig. 18*).

12. The apparatus of claim 11, wherein the interactive program is a flash program (*par.*

0051).

13. The apparatus of claim 11, wherein the interactive program is executed by a plugin associated with the browser (fig. 18, also see par. 0206).

14. The apparatus of claim 13, wherein the plugin is a flash player (par. 0051, 0206).

15. The apparatus of claim 10, wherein one of the multimedia effects is an interactive graph (fig. 21, and 23).

16. The apparatus of claim 10, wherein one of the effects is a depiction of an automation device with regions highlighted in real-time upon the occurrence of an error to indicate the device region associated with the error (par. 0240; note the use of annotation which can be used inherently to highlight the regions of a device when error takes place).

22. A method for interacting with automation device data comprising:
receiving a request for automation device information from within a browser application (par. 0014); retrieving the requested automation device information from a data source utilizing an execution engine associated with the browser application *par. 0153, 0164, and 0174*); and updating the browser with the requested automation device information (*par. 0153, 0164, and 0174; see fig. 14a, engine 1420, and browser application 1421*).

23. The method of claim 22, wherein the request for information is generated by positioning a cursor over an image (positioning a cursor to request for information of inherent to art of device of automation and specifically with the use of an interface browser).

24. The method of claim 22, wherein the data source is a web page (par. 0168-0170).

25. The method of claim 22, wherein information is retrieved from a device controller (par. 0255, 0265).

26. The method of claim 25, wherein the information is control data (par. 0255, 0265).

27. An article of manufacturing comprising a computer usable medium having computer readable instructions stored thereon to perform the method of claim 25 (par. 0313).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 5-9, and 17-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Maes in view of Bonasia et al (hereinafter Bonasia) US Patent No 6,332,127 B1.

Regarding **claim 5**, Maes teaches the invention substantially as claimed. Maes discloses the system for interaction with automation devices as described in claim 1, but fails to distinctly claim the interactive program comprising bindings that bind program variables to device data such that a change in device data is immediately reflected in the program variable bound thereto.

In an analogous art, Bonasia shows the technique of using binding application variables to device data by propagating data changes among a plurality of devices. Bonasia discloses a system in which "...*The binding process begins with the devices sending a Home Profile message to each other with the option to bind all application variables, otherwise only the mandatory variables are bound (step 166). Next, the devices update their respective network variable address tables in accordance with the optional Home Profile received (step 168). If an object does not have Home Profile explicit messaging, then the method defaults to binding only the mandatory variables...*" [see Bonasia, column 18, lines 43-56]. Such technique facilitates the automation of devices messaging and would be advantageous to allow network devices with limited resources to perform complex conversational tasks (preferably in real-time) using networked resources in a manner which is automatic and transparent to the users of such devices (see Maes, par. 0014).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Bonasia's teachings of a bidding process with the teachings of Maes, for the purpose of "...*facilitating interoperability between a number of linked automated devices, thereby providing flexibility and additional functionality in controlling networks...*", (see Bonasia, column 1, lines 26-32). By this rationale **claim 5** is rejected.

6. The system of claim 5, wherein the interactive program comprises functions that operate on program variables to produce information desired by a user (see *Bonasia, column 18, lines 43-56*). The same motivation used to reject claim 5 is also valid for this claim. By this rationale, claim 6 is rejected.

7. The system of claim 6, wherein the interactive program comprises a presentation component that produces a multimedia presentation that is displayed on a display device (see *Maes; fig. 18*).

8. The system of claim 7, wherein the multimedia presentation provides data with respect to one or more automation devices updates the data in real-time (see *Maes; par. 0014*).

9. The system of claim 7 wherein the multimedia presentation provides a plurality

mechanisms for transmitting data to one or more automation devices (*see Maes; par. 0014*).

17. A method for interacting with automation devices comprising:
binding program variables to automation device data using an interactive program and specifying a multimedia presentation format for interaction by a user [*see Bonasia, column 18, lines 43-56*]; embedding the interactive program into a browser; and utilizing the browser and an associated execution engine to execute the interactive program (*see Maes; par. 0153, 0164, and 0174; see fig. 14a, engine 1420, and browser application 1421*).

18. The method of claim 17, wherein the device data is stored in a centralized data store accessible via a network (*see Maes; par. 0172; fig. 17, and 18*).

19. The method of claim 17, wherein the interactive program is a flash program (*see Maes; par. 0051*).

20. The method of claim 19, wherein the execution engine is a flash player. (*see Maes; par. 0051; the addition the Examiner takes Official notice that it is well known in the art that a flash player to run a flash program*).

21. An article of manufacturing comprising a computer usable medium having computer

readable instructions stored thereon to perform the method of claim 17(see *Maes*; par. 0313).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE NON-FINAL.**

Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

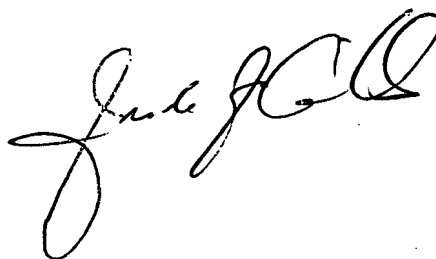
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.

Jude Jean-Gilles

Patent Examiner

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A handwritten signature in black ink, appearing to read 'Jude JG', is written over the printed name and title of the examiner.

JJG

August 23, 2007